HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.20645 of 2006

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Between:

M/s. Ponnolu Food Products,
represented by Sri P. Ram Prasad Reddy,
Chummumiahpet, Kadapa. …Petitioner.

And

Government of Andhra Pradesh,
Department of Health, Medical and
Family Welfare,
represented by its Secretary,
Secretariat, Hyderabad and two others. ….Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri C.V.R. Rudra Prasad

Counsel for respondent No.1 : Assistant Government Pleader for Medical & Health.

Counsel for respondent No.2 : None.

Counsel for respondent No.3 : Sri S.I. Newton

13th March, 2007

Per G.S. SINGHVI, C.J.

In this petition filed under Article 226 of the Constitution of India, the petitioner has prayed as under:

> "It is, therefore, prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, more particularly one on the nature of writ of mandamus, declaring the action of the 2nd respondent in not granting licence to use standard mark in respect of packaged drinking water pursuant to the application submitted by the petitioner on 25-10-2006 and the consequential order of the 3rd respondent dated 14-9-2006 made in R.C.No.4160/F1/60 in closing the petitioner's unit from 18-9-2006 as arbitrary, illegal, failure to properly exercise power, non-application of mind, violative of the provisions of the Hyderabad Municipal Corporation Act which is applicable to the 3rd respondent and contrary to the scheme of testing and inspection for certification of packaged drinking water and violative of the fundamental right guaranteed under Articles 14 and 19(1)(g) of the Constitution of India and consequently set aside the order of the 3rd respondent dated 14-9-2006 and pass such other order or orders as are deemed fit and proper in the circumstances of the case."

After arguing the case for some time, Sri C.V.R. Rudra Prasad stated that his client will feel satisfied if a direction is issued by the Court to respondent No.2 to decide the application pending for grant of BIS certification.

The request of Sri Rudra Prasad is reasonable and merits acceptance.

Hence, the writ petition is disposed of with a direction that within one month from the date of receipt of certified copy of this order together with a copy of the writ petition, respondent No.2 shall finally

decide the application made by the petitioner for grant of BIS certification. This will be subject to the condition that till the issue of BIS certification, the petitioner shall not operate any unit for supply of drinking water to the people of Kadapa.

A copy of this order be sent to Commissioner, Municipal Corporation, Kadapa, who should personally inspect the premises of the petitioner and ensure that the latter is not able to supply drinking water till the grant of BIS certification.

As a sequel to disposal of the writ petition in the manner indicated above, WPMP.Nos.26170 and 26171 of 2006 filed by the petitioner for interim relief are disposed of as infructuous.

G.S.SINGHVI, C.J.

13th March, 2007

C.V.NAGARJUNA REDDY, J.

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